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PTO/SB/31 (04-05)

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|--|--|---|--|----------------------------|---|-----------------------------------|---|--------------------------------------|--|--|
| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES | | Docket Number (Optional) BEV-023694-US | | | | | | | | |
| <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>08/18/2006</u></p> <p>Signature <u>Michele L McRoy</u></p> <p>Typed or printed name <u>Michele L. McRoy</u></p> | | | | | | | | | | |
| <p>In re Application of Non-Foil Barrier Laminate</p> <table border="1"> <tr> <td>Application Number <u>10/647,955</u></td> <td>Filed <u>08/26/2003</u></td> </tr> <tr> <td colspan="2">For Tricia Susan Reighard</td> </tr> <tr> <td>Art Unit <u>1772</u></td> <td>Examiner <u>Patterson, Marc A</u></td> </tr> </table> | | | Application Number <u>10/647,955</u> | Filed <u>08/26/2003</u> | For Tricia Susan Reighard | | Art Unit <u>1772</u> | Examiner <u>Patterson, Marc A</u> | | |
| Application Number <u>10/647,955</u> | Filed <u>08/26/2003</u> | | | | | | | | | |
| For Tricia Susan Reighard | | | | | | | | | | |
| Art Unit <u>1772</u> | Examiner <u>Patterson, Marc A</u> | | | | | | | | | |
| <p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> | | | | | | | | | | |
| <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 500.00</u></p> | | | | | | | | | | |
| <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ _____</u></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>09-0525</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> | | | | | | | | | | |
| <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> | | | | | | | | | | |
| <p>I am the</p> <table border="1"> <tr> <td><input type="checkbox"/> applicant/inventor.</td> <td><u>Matthew M. Eslami</u></td> </tr> <tr> <td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td> <td><u>Matthew M. Eslami</u> (45,488)</td> </tr> <tr> <td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>45,488</u></td> <td><u>513-248-6193</u></td> </tr> <tr> <td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>08/18/2006</u></td> <td><u>Telephone number</u> <u>Date</u></td> </tr> </table> | | | <input type="checkbox"/> applicant/inventor. | <u>Matthew M. Eslami</u> | <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | <u>Matthew M. Eslami</u> (45,488) | <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>45,488</u> | <u>513-248-6193</u> | <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>08/18/2006</u> | <u>Telephone number</u> <u>Date</u> |
| <input type="checkbox"/> applicant/inventor. | <u>Matthew M. Eslami</u> | | | | | | | | | |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | <u>Matthew M. Eslami</u> (45,488) | | | | | | | | | |
| <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>45,488</u> | <u>513-248-6193</u> | | | | | | | | | |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>08/18/2006</u> | <u>Telephone number</u> <u>Date</u> | | | | | | | | | |
| <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> | | | | | | | | | | |
| <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> | | | | | | | | | | |

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/21/2006 KVUDXG1 00000027 090525 10647955

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| | |
|-------|--------------------------|
| To: | Commissioner for Patents |
| Fax: | 571-273-8300 |
| Ref: | |
| Date: | 08/18/2006 |
| RE: | Notice of Appeal |

Our File Ref.: BEV-023694-US

Your File Ref.: 10/647,955

No. of Pages: 4 (including this cover sheet)

| | | |
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In response to the Office Action dated 06/20/2006, please find the following checked items:

- Cover letter, 1 sheet(s);
- Petition for Extension of Time Under 37 C.F.R. 1.136(a), Form PTO/SB/22, and one (1) copy thereof attached thereto, _____ sheet(s);
- Fee Transmittal, Form PTO/SB/17, _____ sheet(s);
- Response to Office Action (including attachments, if any), _____ sheet(s) total;
- Request for Continued Examination Transmittal, Form PTO/SB/30, and one (1) copy thereof attached thereto, _____ sheet(s);
- Notice of Appeal to the Board of Patent Appeals, Form PTO/SB/31, and one (1) copy thereof attached thereto, 2 sheet(s);
- Other:

Thank you.

Certificate of Transmission Under 37 C.F.R. 1.8
 The undersigned hereby certifies that a true and accurate copy of the items checked above are being transmitted to the Honorable Commissioner for Patents, by facsimile transmission to the facsimile number indicated above, on this the 18th day of August, 06.

Michele L. McRoy

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MATTHEW M. ESLAMI, PE
PATENT AGENT
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LOVELAND OH 45140T 513.248.6193
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matthew.eslami@ipaper.comSENT BY FACSIMILE TO (571-273-8300)
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18 August 2006

Mail Stop
Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450

RE: SUBMISSION OF AFTER-FINAL RESPONSE TO OFFICE ACTION

Applicant(s) : Tricia Susan Reighard
 Serial No. : 10/647,955
 Filed on : 08/26/2003
 Title : Non-Foil Barrier Laminate
 Our Ref. : BEV-023694-US

Dear Commissioner:

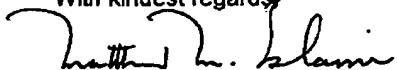
Enclosed herewith for filing, Applicant(s) respectfully submit(s) the following checked items:

- Petition for Extension of Time Under 37 C.F.R. 1.136(a), Form PTO/SB/22, and one (1) copy thereof attached thereto, _____ sheet(s);
- Fee Transmittal, Form PTO/SB/17, _____ sheet(s);
- Response to Office Action (including attachments, if any), _____ sheet(s) total;
- Request for Continued Examination Transmittal, Form PTO/SB/30, and one (1) copy thereof attached thereto, _____ sheet(s);
- Notice of Appeal to the Board of Patent Appeals, Form PTO/SB/31, and one (1) copy thereof attached thereto, 2 sheet(s);
- Other: _____;

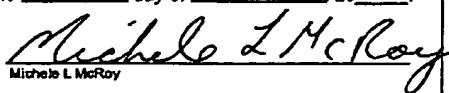
Postage-prepaid return-receipt postcard for your use in stamping to indicate receipt of the above-listed items.

Please stamp the enclosed postcard, if checked, and return same to me to indicate your receipt of the above-listed items. Please feel free to contact me if you have any questions concerning the above or the enclosed.

With kindest regards,

Matthew M. Eslami
Agent for Applicant(s)
Enclosure(s)
MME/mlm

Certification of Mailing or Transmission Under 37 C.F.R. 1.8
 The undersigned hereby certifies that a true and accurate copy of the within "After-Final Response to Office Action", together with all attachments referred-to herein, is being transmitted to the Honorable Commissioner for Patents, either by first-class mail, postage prepaid, addressed to Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, or by facsimile transmission to the facsimile number indicated hereon, on this the 18th day of August 2006.


Michele L. McRoy

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